IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MR JUSTICE BILAL NAZKI

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WRIT PETITION No.7106 of 1995

Between:

Mandla Balaswamy, S/o Gattanna,
R/o H.No.10-7, Raigadda, Wanaparthy,
Mahaboobnagar District.

.... PETITIONER

AND

1. V. Gokaranna, S/o V. Chandraiah,
   R/o Ajjakolu Village, Kothakota Mandal,
   Mahaboobnagar District.
2. V. Ramulu, S/o V. Chandraiah, (Died per L.Rs)
   R/o Ajjakolu Village, Kothakota Mandal,
   Mahaboobnagar District.
3. V. Mannem, S/o V. Chandraiah,
   R/o Ajjakolu Village, Kothakota Mandal,
   Mahaboobnagar Dist.
4. The Joint Collector,

O/o. the District Collector,
Mahaboobnagar District at Mahaboobnagar.
5. The Assistant Collector,

Gadwal Revenue Disvisional Office,
Gadwal, Mahaboobnagar District.

6. Pedda Kondanna, S/o. Ramulu, Aged about 35 years,

7. Chinna Kondanna, S/o. Ramulu, Aged about 30 years,

8. Sanjeevulu, S/o. Ramulu, Aged about 28 years,

(RR6 to 8 are impleaded as per Court order dated 26.8.2004

in WPMP No.3975 of 1996)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to set-aside the order passed by the Joint Collector i.e., 4th respondent bearing proceedings No.B2/27/92, dated 15-10-1994 arising out of orders of the 5th respondent bearing Proceedings No.B/3865/90, dated 18-7-1992 by issuing a writ more in the nature of Writ of Certiorari of any other writ order or direction as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.V.NARASIMHA RAO

Counsel for the Respondent Nos.1 and 3: Ms.A.SUSHANTHI

Counsel for the Respondent No.2: ----------

Counsel for the Respondent Nos.4 and 5: G.P. FOR REVENUE

Counsel for the Respondent Nos.6 to 8: None appeared.

The Court made the following:

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ORDER:

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Heard the learned Counsel for the parties.

This writ petition is filed against the Order passed by the Joint Collector, Mahaboobnagar in the appeal under Section 24 (1) of the A.P. (Telangana Area) Abolition of Inams Act, 1955 ('the Act' for brevity) against an Order passed by the Sub-Collector, Gadwal on 18.7.1992 conferring the occupancy rights in respect of suit land in favour of respondent. It is not disputed that the petitioner and the respondent are co-sharers. The land originally belonged to one Vasamma. According to the petitioners, Vasamma had executed a Will deed and a Gift deed in favour of the present petitioner after 01.11.1973 and on the basis of this Will/Gift, the Sub-Collector had ordered grant of Occupancy Rights Certificate in favour of the petitioner. The Collector held that after 01.01.1973 land had vested with the State in terms of Sec.3 of the Act, and therefore, Vasamma had no subsisting right in the property unless she was held entitled to the rights in terms of other provisions of the Act. I do not find any illegality in the order passed by the Collector, as on the date,

when Vasamma executed Gift/Will, she had no right in the property and such deed would not confer any rights to the petitioner. The petitioner, however, submits that in terms of Section 4 of the Act, Vasamma was entitled to registration as an Occupant. That question had not been at all decided and in case under Section 4 of the Act, any benefit is sought that can be sought by the successors in the interest of the original Inaamdar and on the basis of the Gift/Will, the petitioner cannot exclude consideration of such a claim by respondents.

With these observations, the writ petition is disposed of upholding the order of the Collector, however, directing that the claim of all successors including the petitioner in the interest be considered in terms of the provisions of the Act. No costs.

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DATE : AUGUST 26, 2004. **BILAL NAZKI, J**

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Joint Collector,

O/o. the District Collector,
Mahaboobnagar District at Mahaboobnagar.
2. The Assistant Collector,

Gadwal Revenue Disvisional Office,
Gadwal, Mahaboobnagar District.

3. Two CCs to the G.P. for Revenue, High Court

of A.P., Hyderabad (O.U.T)

4. Two CD copies.

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